

REMARKS

Applicant respectfully requests reconsideration and allowance in view of the foregoing amendments and following remarks.

The amendment to claim 1 is believed appropriate under Rule 116, and as such entry of this amendment is believed appropriate.

Claims 11, 16 and the intervening claims are rejected under 35 USC 112 first paragraph as failing to comply with the written description requirement. These claims both recite that "the image" is "free of an image of the face of the user." As the antecedent for "the image" is clearly the image of the object, Applicant respectfully asserts there would be no confusion. As to what the Examiner means when asserting that the "two images are not bound to each other," is respectfully not understood (nor are the rejection comments that the specification fails to describe an image of an object and a user face – as such an interpretation attributed by the Examiner is not and was never intended, nor is it appropriate), but it is abundantly clear in light of the comments made in the prosecution history --including this amendment -- that this claim language means that the image of the object does not include the face of the user. Also, contrary to the Examiner's indication, claims 11 and 16 are both independent claims. As such, the Examiner's suggestion that claim are related and this would cause further confusion is also not understood. Regardless of the above, however, if the Examiner still maintains that this rejection is appropriate, applicant respectfully requests that the Examiner enter an examiner's amendment changing the words "the image being free of" to "the image of the object not including" or similar such language in order to expedite allowance of these claims. Entry of such an amendment to claim 11 pursuant to Rule 116 is appropriate, since such an amendment would not require further search, but only further clarify that which applicant asserts is crystal clear already.

Claim 1 and the intervening claims are rejected because of an informality in the term "adapted to." Applicant has amended claim 1 to overcome this rejection, and believes that it is now overcome.

Claims 1-3, 6, 8, 10-21, and 23-24 are rejected under 35 USC 103(a) as being unpatentable over Berson 5,742,685 in view of Kaplan et al. 5,932,119. Applicant respectfully traverses the Examiner's rejection.

The present invention, unlike either of the cited references, recite using an image of an object as an encryption passkey. Berson, the primary reference, merely teaches the usage of a compressed data set associated with an image for security, and superimposes a different encryption passkey over that compressed data set. Berson does not, however, use the data set of the image as the encryption passkey. That this is true is shown at the user end described in Berson, in which the encryption passkey in Berson is used to decrypt the data set, resulting in a still compressed data set of the image, and the image then needs to be decompressed (or "expanded" in the parlance of Berson), to get the image back. Accordingly, the Examiner's reliance on Berson to teach or suggest the claimed invention is misplaced, and allowance of these claims is appropriate. The other reference, Kaplan, adds nothing of significance which overcomes the deficiencies of Berson, even if one of ordinary skill in the art would have been motivated to combine the two references, which motivation applicant asserts does not exist.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition of allowance and a Notice to that effect is earnestly solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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